

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOSEPH MICHAEL DEVON ENGEL,

Plaintiff,

v.

ERDCC,

Defendant.

No. 4:20-cv-01833-RLW

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On February 25, 2021, the Court directed plaintiff to file an amended complaint, and to either file a motion for leave to proceed in forma pauperis, or pay the filing fee. (Docket No. 2). Plaintiff was given thirty days in which to respond. He has failed to comply. Therefore, for the reasons discussed below, this action will be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b).

Background

Plaintiff is a self-represented litigant who is currently incarcerated at the Missouri Eastern Correctional Center in Pacific, Missouri. Since September 9, 2020, he has filed over 130 cases in the United States District Court for the Eastern District of Missouri.

On December 17, 2020, plaintiff filed the instant action pursuant to 42 U.S.C. § 1983. (Docket No. 1). The complaint consisted of a single handwritten page, which did not identify any defendants, or present any factual allegations. The caption referenced “29 Defendants” on a “Front Sheet.” Likewise, in his “Statement of Claim,” plaintiff wrote “See Front Sheet.” However, there were no other pages attached to the complaint.

On February 25, 2021, the Court directed plaintiff to file an amended complaint on a Court form, which was provided to him. (Docket No. 2). He was also ordered to either file a motion for leave to proceed in forma pauperis, or pay the filing fee. Plaintiff was given thirty days in which to respond. He was advised that the failure to comply would result in the dismissal of this action without prejudice and without further notice.

Discussion

As noted above, on February 25, 2021, the Court ordered plaintiff to file an amended complaint within thirty days. He was also directed to either file a motion for leave to proceed in forma pauperis, or pay the filing fee. Plaintiff was advised that failure to comply with the Court's order would result in the dismissal of this action without prejudice and without further notice. His response was due on or before March 29, 2021.

The deadline for plaintiff to file his amended complaint, and to either file a motion for leave to proceed in forma pauperis, or pay the filing fee, has expired. In fact, the Court has given plaintiff more than thirty days in which to respond. Nonetheless, plaintiff has failed to file an amended complaint, and has failed to either file a motion for leave to proceed in forma pauperis, or pay the filing fee, as directed. He has also failed to file a motion with the Court seeking an extension of time in which to comply.

Under Rule 41(b), an action may be dismissed for failure to comply with a court order. *See* Fed. R. Civ. P. 41(b). *See also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (stating that district court may dismiss a pro se litigant's action for failure to comply with a court order on its own initiative). Because plaintiff has not complied with the Court's order of February 25, 2021, or filed any type of motion seeking an extension of time in which to comply, the Court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice for failure to comply with the Court's order of February 25, 2021. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

Dated this 19th of April, 2021.

A handwritten signature in black ink, appearing to read "Ronnie L. White", is written over a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE